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77TH CONGRESS }
2d Session }

SENATE

{ REPORT
No. 1366 }

CECILE McLAUGHLIN

MAY 21 (legislative day, MAY 15), 1942.—Ordered to be printed

Mr. ROSIER, from the Committee on Claims, submitted the following

REPORT

[To accompany H. R. 5496]

The Committee on Claims, to whom was referred the bill (H. R. 5496) for the relief of Cecile McLaughlin, having considered the same, report favorably thereon with the recommendation that the bill do pass with the following amendment:

Page 1, line 6, strike out the figures "\$2,000" and insert "\$1,090".

The facts are fully set forth in House Report No. 1946, Seventy-seventh Congress, second session, which is appended hereto and made a part of this report.

[H. Rept. No. 1946, 77th Cong., 2d sess.]

The Committee on Claims, to whom was referred the bill (H. R. 5496) for the relief of Cecile McLaughlin, having considered the same, report favorably thereon with an amendment and recommend that the bill, as amended, do pass.

The amendment is as follows:

Line 6, strike out the figures "\$5,000" and insert in lieu thereof the figures "\$2,000".

The purpose of the proposed legislation is to pay to Cecile McLaughlin the sum of \$2,000 for personal injuries sustained on June 4, 1941, when struck by an object used by employees of the Work Projects Administration on Johnswood Road, Roslindale, Mass.

STATEMENT OF FACTS

On June 4, 1941, Cecile McLaughlin, 74 years old, was engaged in hanging clothes in the backyard of her home; the yard is adjacent to an embankment; employees of the Work Projects Administration were working on the embankment,

putting in some new steps; a retaining wall about 4 feet high separates the yard from the embankment; that while she had her back to the embankment she was struck on the back by a heavy object, and that the blow knocked her to the ground; that she was assisted by her daughter and two employees of the Administration in reaching the door of her home, from where she continued unassisted. The object that struck Mrs. McLaughlin was a steel plate known as an anchor plate, which was being installed to support the railing. The plate was approximately 8 inches square, with rounded corners, weighing about 30 pounds.

Dr. William E. Reilly, who examined Mrs. McLaughlin, reported that she suffered an abrasion of the right mid-forearm, inner surface; that there was definite marked pain over the left lower rib, marked pain over left hip and pelvis, pain in head, dizziness and extreme nervousness, and pain in lower spine; that motion of her left hip was limited; that total disability of approximately 1 month was sustained, and that partial disability, consisting of an old arthritic condition, aggravated by the accident, and a weakened physical condition may be expected for an indefinite period.

Dr. Russell F. Sullivan, who examined Mrs. McLaughlin approximately 3 weeks after the injury, reported that her chief complaint was pain in the lower back and left side of pelvis, and that, at the time, she walked with difficulty; that motion of the left hip and lower back were slightly limited because of pain. He expressed his opinion that the patient suffered from contusion and strain over the upper sacrum and left ilium, and also stated that there was no evidence of fracture, but that patient had received a shock from which she should recover in approximately 1 month.

Dr. George H. Lyons, on July 21, 1941, examined Mrs. McLaughlin in the presence of her daughter and Dr. William E. Reilly. He made the examination at the request of the law department of the city of Boston, upon receipt of a letter from Mrs. McLaughlin's attorney that she intended to hold the city of Boston liable for injuries sustained. It was his opinion that the injuries sustained had aggravated an underlying arteriosclerotic condition which is generalized in this case, and on that basis, accounts for most of the complaints, especially a feeling of weakness, unwellness. He continues by saying that her doctor gives her a total disability of 1 month, and a partial disability of approximately 3 weeks. "I feel that in this particular case, a total disability of 3 weeks and a partial disability of about 10 days would be more accurate."

Your committee asked Dr. Reilly for an additional statement on March 18, 1942. In response to our request, Dr. Reilly states that the patient is failing in health and is in need of constant nursing care. She has had a severe heart attack which necessitated absolute rest for 1 month or more. He believes that this condition was caused by the accident, or, at least, it was contributory, and stated that she needs constant medical care.

Mrs. Lucy McDonough, daughter of Mrs. McLaughlin, has submitted a bill for professional services rendered in the amount of \$750. Mrs. McDonough was permanently employed as a registered nurse until her mother's illness, and resigned such employment to take care of her mother.

Appended hereto is the report of the Work Projects Administration, together with other pertinent evidence.

FEDERAL WORKS AGENCY,
WORK PROJECTS ADMINISTRATION,
Washington, D. C., September 16, 1941.

The Honorable DAN R. McGEHEE,
Chairman, Committee on Claims, House of Representatives.

DEAR MR. McGEHEE: Reference is made to your communication dated August 18, 1941, and the acknowledgment of August 19, 1941, relative to H. R. 5496, a bill for the relief of Cecile McLaughlin.

The Administration's report is as follows:

The bill proposes to appropriate the sum of \$5,000 to Cecile McLaughlin, Roslindale, Mass., "in full settlement of all claims against the Government of

the United States for injuries sustained on June 4, 1941, as the result of negligence on the part of an employee on project No. 21367 of the Work Projects Administration, on Johnswood Road, Roslindale, Mass."

It is alleged by the injured party, Mrs. Cecile McLaughlin, 74 years old, residing at 144 Cummings Highway, Roslindale, Mass., that on the afternoon of June 4, 1941, at approximately 1:30 p. m., she was engaged in hanging clothes in the backyard of her home; that the backyard is adjacent to an embankment; that employees of the Work Projects Administration were working on the embankment putting in some new steps; that a retaining wall about 4 feet high separates the yard from the embankment; that suddenly while she had her back toward the embankment, she was struck on the back by a heavy object; that the blow knocked her to the ground; that she did not lose consciousness but called to her daughter who was inside the house; that her outcries brought her daughter, who tried to lift her but was unable to do so; that two workmen from the project also came to her assistance and helped her to her door; and that from that point she was able to enter the house with her daughter's help. The injured party states "My right forearm was bleeding and I noticed blood on my clothing, but I was too overcome from fright to feel any pain in other parts of the body."

An investigation conducted by our State administrator for Massachusetts discloses that on June 4, 1941, employees of the Work Projects Administration were engaged in rebuilding concrete steps along Johnswood Footway which runs downhill from Johnswood Road to Sherwood Street, Roslindale, Mass. The project consisted of resurfacing old concrete steps and renewing the iron railing along the middle of the stairway. At various points along the stairway steel plates known as anchor plates were being installed to support the railing. Each of these plates was approximately 8 inches square with rounded corners and weighed about 30 pounds. In preparation for use on the project, the plates had been stacked at the top of the stairway and were obtained by the project employees as they were needed. In carrying the plates, the employees would walk down the slope beside the stairway, since the steps were under construction. While one of the project employees was carrying one of these plates near the top of the slope, he slipped on the wet grassy surface of the slope and dropped the plate, which rolled 62 feet down the slope, bounced over a 4-foot retaining wall, and struck Mrs. McLaughlin, who was hanging clothes in her backyard. Project employees assisted Mrs. McLaughlin into her house and her family doctor was notified.

The family physician, Dr. William E. Reilly, 4100 Washington Street, Roslindale, Mass., who examined the injured at the time the accident occurred, in a statement dated August 15, 1941, reports that Mrs. McLaughlin suffered an abrasion of right mid-forearm inner surface, definitely marked pain over left lower rib, marked pain over left hip and pelvis, pain in head, dizziness and extreme nervousness, and pain in lower spine; that motion of her left hip was limited; that total disability of approximately 1 month was sustained; and that partial disability consisting of an old arthritic condition, possibly aggravated by the accident, and a weakened physical condition, may be expected for an indefinite period.

Dr. Russell F. Sullivan, 1101 Beacon Street, Brookline, Mass., who examined Mrs. McLaughlin on June 26, 1941, approximately 3 weeks after the injury, reports that her chief complaint was pain in lower back and left side of pelvis; and that at the time she walked with difficulty. Dr. Sullivan's examination showed a healthy woman with some evidence of old arthritis in spine and fingers. A fading ecchymosis appeared over the upper sacrum with slight swelling of the soft tissues, also some swelling over the left ilium just above the trochanter of the femur. Motion of the left hip and lower back were slightly limited because of pain. He expressed his opinion that patient suffered from contusion and strain over upper sacrum and left ilium, and also stated that there was no evidence of fracture but that patient had received a shock from which she should recover in approximately 1 month.

Dr. Humphrey L. McCarthy, 479 Beacon Street, Boston, Mass., made an X-ray examination on July 19, 1941, of Mrs. McLaughlin's skull, and lumbosacral region and reports:

"X-ray examination of skull reveals no evidence of fracture, suture separation, nor of other bone injury.

"X-ray examination of the lumbosacral spine reveals no evidence of fracture, dislocation, nor of other bone injury in the transverse processes, the spinous processes, the articular facets, nor in the lumbar bodies themselves. The sacroiliac joints reveal no evidence of bone pathology."

Mrs. McLaughlin was also examined on July 21, 1941, at 4 p. m., at her home in the presence of her daughter and Dr. William E. Reilly, by Dr. George H. Lyons, who made the examination at the request of the Law Department of the

city of Boston, as a result of a letter from Mrs. McLaughlin's attorney, dated June 25, 1941, giving the usual statutory notice that she intended to hold the city of Boston liable for injury sustained. Dr. Lyons concludes his report with the statement:

"This elderly woman was struck by a steel bar, so it is said, and knocked to the ground. They were unable to state as to how heavy the bar was. The suddenness of the impact apparently caused a sufficient injury to warrant bed rest. The impact of force was not sufficient to cause rib or other bony fracture. One would assume that in a woman of this age with brittleness of bones, not too great a force would have caused definite fracture. I feel that the injuries sustained had aggravated an underlying arteriosclerotic condition which is generalized in this case and on that basis accounts for most of the residual complaints, especially a feeling of weakness and unwellness. Her doctor gives her a total disability of 1 month and a partial disability of approximately 3 weeks. I feel that in this particular case a total disability of about 2 weeks and a partial of about 10 days would be more accurate."

Although this office has repeatedly requested the injured party through her attorney to submit evidence establishing the amount of her hospital, medical, and other consequential expenses, this evidence has not as yet been received. However, the investigation by our State Administrator for Massachusetts indicates that Dr. Sullivan and Dr. McCarthy have each submitted a bill of \$25, for their services; that Dr. Reilly's bill for services thus far rendered totals \$53; and that in addition, Mrs. McLaughlin has expended approximately \$10 for medicine, a grand total of \$113.

In view of the foregoing, the Administration recommends enactment of the proposed legislation in such amount as the Congress in its discretion deems appropriate.

There are enclosed photostatic copies of pertinent documents from the files of this Administration.

Sincerely yours,

F. H. DRYDEN, *Deputy Commissioner.*

BOSTON, MASS., *September 23, 1941.*

Re: Mrs. Cecile McLaughlin, 144 Cummings Highway, Roslindale, Mass.

HON. GEORGE HOLDEN TINKHAM,
House Office Building, Washington, D. C.

DEAR CONGRESSMAN TINKHAM: Your letter of September 22, 1941, received, informing me that the Work Projects Administration has made a favorable report to the House Committee on Claims in re the above-named person.

Regarding your request for a detailed bill from each of the doctors who treated Mrs. McLaughlin, together with a sworn itemized statement, setting forth all other expenses, please be advised that I have forwarded all of this data to Mr. Edward J. Conley, Work Projects Administration, Boston, Mass., about 6 weeks ago. Mr. Conley has forwarded same to Mr. William E. Linden, general counsel, Work Projects Administration, Washington, D. C. However, for your information the following is submitted:

Dr. Russell F. Sullivan, 1101 Beacon Street, Brookline, Mass., examined Mrs. McLaughlin under date of June 27, 1941, and for which services he has charged \$25.

Dr. Sullivan is an orthopedic specialist of some repute.

Dr. Humphrey L. McCarthy, 479 Beacon Street, Boston, Mass., X-rayed Mrs. McLaughlin's skull and lumbosacral spine, for which services he charged \$25. The date of this X-ray was June 19, 1941.

Dr. William E. Riley, 4100 Washington Street, Roslindale, Mass., is the attending physician upon whose recommendation the two previous doctors were brought in to assist in diagnosing Mrs. McLaughlin's condition. He attended Mrs. McLaughlin for the first time on June 4, 1941, the date of the accident, and thereafter as follows:

At home: June 5, 6, 7, 9, 11, 13, 16, 19, 21, 24, 27, and 30, and July 30, 1941.

At office: July 10, 15, and 20, and August 1 and 10, 1941.

The total charge for his services up to the date that he submitted his bill, namely, August 15, 1941, was \$54.

Dr. Riley is still treating Mrs. McLaughlin but no bill has been received since August 15, 1941.

The only other item of expense worthy of mention is that of the services of a nurse for Mrs. McLaughlin. Inasmuch as Mrs. McLaughlin's daughter, Mrs.

Lucy McDonough, is a registered nurse, Mrs. McLaughlin has retained the services of her daughter to care for her. Prior to taking up the care of her mother Mrs. McDonough's salary at Long Island Hospital was worth about \$30 a week, since she received \$18 a week, plus board, room, and laundry services. Mrs. McDonough is still engaged in caring for her mother and her bill at the present time is approximately \$500.

Enclosed herewith please find copies of bills from Dr. Sullivan, Dr. Reilly, and Dr. McCarthy. Additional bill from Dr. Reilly will be forwarded upon receipt of same as will bill for nursing services from Mrs. McDonough.

Trusting this will serve your purpose, I am,

Respectfully yours,

J. J. GAVIN.

BOSTON, MASS, *March 21, 1942.*

Re: Cecile McLaughlin, H. R. 5496.

HON. GEORGE H. TINKHAM,

House Office Building, Washington, D. C.

DEAR CONGRESSMAN TINKHAM: In accordance with your request of March 12, enclosed herewith you will please find Dr. Reilly's bill and report and also the bill of Mrs. McDonough, the nurse in connection with the above entitled matter.

I note in Chairman McGehee's letter to you he states that the amount ordered reported is \$2,000. As the expense connected with the treatment to date of Mrs. McLaughlin is almost \$1,000, this amount, namely, \$2,000, leaves her but \$1,000 for her suffering up to the present time and makes no allowance whatever for future treatment and suffering. If, as it now appears, Mrs. McLaughlin is compelled to enter a hospital this amount will be insufficient to even pay for her expense, if she lives another year. Her present expense is not great, primarily because her daughter, Mrs. McDonough, a registered nurse, gives her 24-hour service for \$30 a week and furnishes her own board.

As the amount requested in H. R. 5496 was \$5,000 will you please make use of the above information to the end that the \$5,000 will be recommended by the committee, instead of the \$2,000 now recommended?

Thanking you for the attention given this matter in the past, and with best wishes, I am,

Respectfully yours,

J. J. GAVIN.

AUGUST 15, 1941.

JOHN J. GAVIN,

11 Beacon Street.

DEAR SIR: Report of Cecile McLaughlin, age 74, accident June 24, on project off Johnswood Road.

P. E.—Hit by steel bar which fell from hands of workmen behind her house.

Abrasion of right midforearm, inner surface. Definitely marked pain over left lower ribs. Marked pain over left hip and pelvis, pain in head, dizzy and extremely nervous, pain in lower spine. Left hip limited to motion. Total disability 1 month.

Partial disability; this woman was a very active woman, but since her accident she has definitely been unable to carry on as she did before accident. Still bothered with left hip and spine which is an old arthritic condition that has become actuated. She says she is not sure of herself and cannot carry on as she did before. Her blood pressure is within normal limits for her age, so you have to rule that out as the cause. Therefore it can be assumed that this accident has aged her considerably and she cannot carry on as before.

She is much weaker and has difficulty getting about as she is afraid of herself as she expresses her feelings. Therefore, I am obliged to say her partial disability is very indefinite. People of her age sometimes never recover fully from an accident of this kind.

She is still under my care and will be for some time; will notify you later of any symptoms that may arise.

Yours truly,

W. E. REILLY.

AUGUST 10, 1941.

I, Cecile McLaughlin, do swear that the following statement regarding the incident herein stated, to be true and accurate.

I, Cecile McLaughlin, while hanging out clothes in the yard adjacent to my apartment at 144 Cummins Highway, Roslindale, Mass., on June 4, 1941, at about 1:30 p. m., was struck, swung round, and knocked to the ground. The object which hit me, a 30-pound anchor weight, had rolled down a 40-foot embankment and bounced off a 4-foot wall. A Work Projects Administration workman on the project rebuilding the cement stairway from Sherwood Street to Johnswood Road, had accidentally dropped it. The workman apparently had no time to shout to me, as I received no warning of the rolling anchor plate.

As I lay on the ground not knowing what had happened to me, I cried out and my daughter came from the house. At the same time two workmen ran down the hill and assisted me to the door of the house and my daughter helped me to bed. I was too stunned at first to feel pain but about one-half hour later I felt a frontal headache which persisted intermittently for several weeks.

I had deep contusions across my back from spine to left hip and left rib section. The blow in the rib section caused painful, labored breathing for the first 24 hours. I had abrasions of the right forearm and knee where I hit the ground.

Dr. William E. Reilly of 4100 Washington, Roslindale, was called and arrived about 4 p. m. He ordered rest and sedative after examination. I was confined to my bed and required daily nursing care for 2 weeks and then sat up a short time daily for 2 weeks more. Then began to gradually get around the house but was subject to weakness and dizzy spells. At the present time I am taking medicine which has reduced the symptoms of dizziness to about one attack a week.

Medication to date has cost me \$10. For medical treatment I have been billed as follows:

Dr. Humphrey McCarthy, 479 Beacon Street, Boston, \$25 for X-rays of head and spine; Dr. Russel Sullivan, 63 Maple Street, Malden, \$25 for orthopedic examination. I am still under Dr. Reilly's care and have received no bill to date.

My daughter, Mrs. Lucy McDonough, a registered nurse, was home at the time, having convalesced from a septic throat. She was about to return to work at Long Island Hospital, Boston, when my accident prevented her. My son-in-law was unemployed for 2 years, making it necessary for my daughter to continue her work and has left her considerably in debt. Her husband has been employed about 8 months but it would take both incomes for a while longer to meet present-day expenses and accumulated bills. My daughter has a 3-year-old child.

I have been a widow 16 years, am 74 years of age and have always enjoyed very good health. The last time I required medical attention was 5 years ago when Dr. Howard Jewett, of Central Street, Lowell, Mass., set a fractured arm.

CECILE McLAUGHLIN.

BOSTON, MASS.,
Suffolk, ss:

Subscribed and sworn to before me this 11th day of August 1941.

[SEAL]

JOHN J. GAVIN, Notary Public.

BOSTON, MASS., August 8, 1941.

On June 4, 1941, while working on project No. 21367, which involved building a stairway from Johnswood Road (footway) to Sherwood Street in Roslindale, Mass., I was carrying a plate which weighed about 20 pounds. I had just picked up the iron plate and started to walk under the bracing. After getting under the bracing and as I started to turn around I dropped the iron plate. It was impossible for me to get hold of the plate after I dropped it. It rolled down an embankment of 30 to 40 feet and into the back yard of Mrs. Cecile McLaughlin who was hanging out clothes. It struck her and knocked her to the ground.

WILLIAM LANGMAN,
5 Goldsmith Place, Roxbury, Mass.

BOSTON, MASS.,
Suffolk County, ss:

Subscribed and sworn to before me this 8th day of August 1941.

[SEAL]

JOHN J. GAVIN, Notary Public.

ROSLINDALE, MASS., November 8, 1941.

Follow-up report on Mrs. Cecile MacLaughlin, 144 Cummings Highway, Roslindale, Mass.

Date of accident: June 4, 1941.

JOHN J. GAVIN, Esq.,
11 Beacon Street, Boston, Mass.

DEAR SIR: I find that this woman is still suffering with a marked exacerbation of an old arthritic condition which is bothering her materially, and also, she has a nervous complex which she does not seem to overcome. Here is a woman, who before the accident, was active and able to carry on in every manner, and since then has been unable to carry on in any normal way.

It is my opinion that she will never recover wholly from this accident and will be a care for the rest of her life.

Very truly yours,

WM. E. REILLY.

ROSLINDALE, MASS., March 18, 1942.

J. J. GAVIN,
11 Beacon St., Boston, Mass.

DEAR SIR: This is a follow-up report of Cecil C. McLaughlin accident of June 4, 1941.

The patient is in failing health and in need of constant nursing care. She has had a severe heart attack which necessitated absolute rest for a month or more. I believe that this condition was caused by the accident or at least was contributory. She needs constant medical observation.

W. E. REILLY.

P. S.—The medical bill at present \$90, and will be more as time goes on.

7 ENGLEWOOD AVE., RANDOLPH, MASS.,
March 17, 1942.

J. J. GAVIN, Esq.,
11 Beacon St., Boston, Mass.

DEAR MR. GAVIN: Inclosed please find my bill for professional services rendered my mother.

Respectfully submitted.

(Mrs.) LUCY McDONOUGH, R. N.

MARCH 17, 1942.

For professional services rendered Mrs. C. McLaughlin, 24-hour duty:

June to September 1941, 13 weeks at \$30 per week	\$390
January 3 to present time, 12 weeks at \$30 per week	360

Total	750
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Medications (digitalis, sedatives, vitamins, nitroglycerin tabs.)	10
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Respectfully submitted.

(Mrs.) LUCY McDONOUGH, R. N.

RUSSELL F. SULLIVAN, M. D.,
1101 Beacon Street, Brookline, June 27, 1941.

To Mr. John J. Gavin, Esq., 11 Beacon Street, Boston, Mass. For professional services re Mrs. Cecile MacLaughlin, June 27, 1941, examination and report, \$25.

H. L. McCARTHY, M. D.,
Boston, Mass.

To Mrs. Cecil McLaughlin, 144 Cummings Highway, Roslindale, referred by
Dr. Reilly, for professional services:

July 19, 1941, X-ray of skull	\$15
X-ray of lumbosacral spine	10
Total	25

Copy of bill to Attorney John J. Gavin, 11 Beacon Street, Boston.